REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 13, 27, 39 and 52. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-11, 13-25 and 27-52 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-3, 6-10, 13, 16-22, 27-30, 33-37, 39, 42-48 and 52 stand rejected under 35 U.S.C. § 102(e) as being unpatentable by Emura (US 6,848,117). The applicant respectfully traverses the rejection of these claims.

The Emura reference discloses a method of sending <u>frames</u> of an AV stream, and receiving and playing back <u>frames</u> in a normal or varied playback. Emura's playback can correctly "...perform a playback at an arbitrary speed..." (i.e., fast forward, rewind, etc.), "...designated by the terminal apparatus." (Abstract). Fast forward in the Emura reference means some frames are transmitted while others are not transmitted (Col. 2, lines 62-67). This is in direct contrast to the Applicant's claim 1. A primary purpose of the Applicant's invention is to maintain the continuous flow of data symbols. Additionally, Emura discloses <u>streams</u> in different formats, but the data units remain the same; e.g., I frames are sent in exactly the same format both in normal and in fast playback.

The Applicant's present invention discloses a method of ensuring a <u>complete transmission</u> (page 5, lines 9-22); "... after switching from the first transmission to the second transmission mode, the transmission continues with a given data unit of one of the <u>second sequences</u> comprising a position indicator such that the given data unit comprises a data symbol immediately following the last data symbol of the data symbol stream that was sent in the data unit of the <u>first format</u> last sent before the switching." A problem solved is that of sending data units in "...[a] first format and a second format from a sending peer to a receiving peer " (page 4, lines 15-18).

The Detailed Action states that the limitation "… simultaneously maintaining a second record of said data symbol stream in terms of one or more second sequences of data units of said second format, where said first record and said second record have a common reference point to said data symbol stream,…" reads on one of the AV streams of Fig. 10, 14 and 21 and corresponds to the respective receiving command, etc. The Applicant has reviewed the cited portion of the Emura reference and respectfully submits that Emura does not disclose the limitation as recited in the Detailed Action.

Emura, in the cited portions, discloses a stream control section and describes the various functions (col. 12, lines 14-27) of the control section. In particular, the control section selects key frames that satisfy a designated playback speed of a particular stream (col. 11, line 64 – col. 12, line 6). In other words, the key frame read out is used to maintain a designated playback speed, which provides a smooth high-speed playback. In contrast to Emura, the limitation in the Applicant's claim 1 is maintaining a second record of the data symbols in the data symbol stream that are linked by a common reference point. This second record is used when the first transmission mode is dynamically switched to a second transmission mode; i.e., second format. Due to the simultaneous record keeping it is not necessary to purge a sending buffer or reset records when switching from the first format to the second format. (page 5, lines 1-4). Emura does not disclose two different simultaneous records of one stream.

Regarding the limitation "…after switching from said second transmission mode to said first transmission mode…";dynamically switching between a first transmission mode…; the Applicant respectfully disagrees with the Examiner's interpretation of the cited portion of Emura. It is stated in the Detailed Action that the cited reference reads on "smooth switching between two different streams of different playback speed". Both cites refer to smooth viewing; e.g., "…a high-speed playback can be performed more smoothly." and "…a high speed playback that can be viewed more comfortably." As noted above a high-speed playback has only I frames which helps the smooth viewing. At low speed there are also B and P frames. If there is a switch in B or P frames, there is naturally a jump or delay and Emura fails for at least the reason that "…immediately

following the last data symbol..." is not possible in Emura when B and P frames are present.

At least for the above reasons, the Applicant respectfully submits that Emura does not disclose each and every element as set forth in the claim and thus does not anticipate independent claim 1 and the dependent claims 2-3 and 6-10.

The Emura reference is cited as anticipating claim 13. The Applicant respectfully submits that Emura fails to disclose a data symbol stream in the form of data units of a first format or a second format from a sending peer. Emura is stated to read on the different speeds of the streams, i.e., normal play back and fast forward streams. As explained above, first and second format corresponds to packet size, not speed. For example, fast forward drops I frames, which is in direct opposition to the Applicant's invention, that of transmitting all the data symbols. Emura fails to disclose at least the first and second data unit formats and thus, Emura does not disclose each and every element as set forth in claim 13; failing to anticipate claim 13 and the dependent claims 16-22.

Emura is cited as anticipating independent claim 27. The Applicant respectfully submits that Emura is cited as disclosing a record keeping part arranged for maintaining a first record of said data symbol stream (reads on one of the AV streams). The Applicant respectfully notes that the cited references disclose storage for a number of AV streams. And, the Detailed Action is comparing multiple AV streams with the Applicant's claim regarding a single stream with the potential of streaming in a first and second format (discussed above). Emura does not anticipate claim 27 and dependent claims 30-37.

The Emura reference is cited as anticipating claim 39. The Applicant respectfully submits that Emura fails to disclose a data symbol stream in the form of data units of a first format or a second format from a sending peer. It is also indicated that Emura discloses a switching detector for detecting the switching. However, a decoder is cited against the switching detector. The cited portion discloses "a decoder section... for decoding the received AV stream..." which logically would require the device to have a product (data unit) of the switching in hand, so to speak, rather than as disclosed by the

Applicant "...for detecting a switch in transmission mode <u>at the sending peer</u>." (page 24, lines 31-33) the different speeds of the streams, i.e., normal play back and fast forward streams. Emura fails to disclose at least the first and second data unit formats and thus, Emura does not disclose each and every element as set forth in claim 39; failing to anticipate claim 39 and the dependent claims 42-48.

Claims 1, 13, 27 and 39 are distinguished from the Emura reference and the respective dependent claims recite further limitations in combination with the novel elements of claim 1, 13, 27 and 39. Therefore, the allowance of claims 1-3, 6-10, 13, 16-22, 27-30, 33-37, 39, 42-48 and 52 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 4, 14, 31 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Emura (US 6,848,117) in view of Seid, et al. (US 5,768,271). The Applicant respectfully traverses the rejection of these claims

The Seid reference is cited as disclosing a sending peer is a link layer peer. The Applicant respectfully submits that does Seid not teach or suggest the above elements that are argued as lacking from the Emura reference, including the first and second data unit formats. Therefore, the Applicant respectfully submits that the first and second data unit formats are not disclosed by either reference either individually or in combination. This being the case the Applicant respectfully requests the allowance of claims 4, 14, 31, and 40.

Claims 5, 15, 32 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Emura (US 6,848,117) in view of Haberman, et al. (US 7,490,344). The Applicant respectfully traverses the rejection of these claims.

The Haberman reference is cited as disclosing sending data units of a first format are sent over one or more first transmission channels and said data units of said second format or sent over one or more second transmission channels. The Applicant respectfully disagrees with the Examiner's interpretation of the cited portion of Haberman. The cited portion discloses a multiplexed data stream that is wider than

required to supply packets to a receiver. So, empty packets or packets with data separate from the data stream are added. The Applicant respectfully submits that Haberman fails to teach the use of a first and a second transmission channel that carries data units of a first and a second format. Therefore, the Applicant respectfully submits that the first and second data unit formats are not disclosed by either reference either individually or in combination. This being the case the Applicant respectfully requests the allowance of claims 5, 15, 32 and 41.

Claims 11, 23-25, 38, and 49-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Emura (US 6,848,117) in view of Smith (US 7,180,895). The Applicant respectfully traverses the rejection of these claims.

The Smith reference is cited, in rejection of the above claims, as disclosing sending receiver status messages comprising information on the receipt of one or more of said data units, said data units being identified in terms of sequence position indicators a sending peer is a link layer peer. The element cited as being disclosed by Smith;

> "... determining one or more second sequence position indicators associated with one of said second sequences on the basis of a given first sequence position indicator, where the one or more data units of said second format associated with said one or more second sequence position indicators cover all of the data symbols contained in the given data unit of said first format associated with said first sequence position indicator,.."
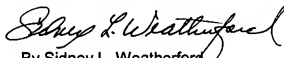
The Applicant respectfully submits that Smith or Emura does not teach or suggest the above elements. The cited portion of Smith discloses determining sequence of packets in a TCP stream by using the TCP sequence number in the packet's header. The element above determines a sequence position indicator that is based on of a first sequence position indicator. Therefore, the Applicant respectfully submits that the element is not disclosed by Emura nor Smith individually or in combination. The Applicant respectfully requests the allowance of claims11, 23-25, 38, and 49-51.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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